

PS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ALBERTO ALFARO,

Plaintiff,

-v-

FNU YOUNG, *et al.*,

Defendants.

ORDER

22-CV-6431 EAW

Plaintiff Alberto Alfaro ("Plaintiff"), who is currently incarcerated at the Elkton Federal Correctional Institution in Lisbon, Ohio, filed a *pro se* complaint (Dkt. 1) and paid the filing fee. The Court screened the complaint, dismissed the claims against Defendants Young and Briner, and permitted the claims against Defendants Wirth and Sarah P. to proceed to service. (Dkt. 5). Pursuant to *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997), the Court asked the Monroe County Attorney's Office to provide the full name of Defendant Sarah P. and an address for service. (*Id.* at 10-11).

On September 7, 2023, the Monroe County Attorney's Office filed a letter, stating:

Upon information and belief, there is no Sarah P. that works at Monroe County Jail or worked there during the November 2020 to February 2021 timeframe alleged in the pleadings. Per Plaintiff's medical records, no Monroe County Jail medical staff with the first name Sarah rendered care to Plaintiff during that timeframe. There was, however, a Monroe County Jail Registered Nurse named Sarah (whose last name does not start with "P") who rendered care to Plaintiff subsequent to the time period at issue in the lawsuit.

(Dkt. 10 at 2).

In light of the Monroe County Attorney's inability to identify Defendant Sarah P., Plaintiff is directed to provide, **within 30 days of the date of this Order**, a physical

description of the individual and any other information that could assist in determining her identify.

The Court previously granted Plaintiff's motion for service by the United States Marshals Service. (Dkt. 8). Nonetheless, it is incumbent upon Plaintiff to provide sufficient information to assist in identifying the defendant. See *Benitez v. Salotti*, No. 16-CV-6219W, 2018 WL 3569931, at *2 (W.D.N.Y. July 25, 2018) ("Plaintiff must do more than he has done here to meet his burden of identifying those additional defendants he wishes to sue whose names he does not know."); *Hunter v. Hill*, No. 04CV920SC, 2009 WL 483154, at *2 (W.D.N.Y. Feb. 25, 2009) (noting the obligation that courts have under *Valentin* to assist *pro se* plaintiffs with service, but "recognizing that it was plaintiff's responsibility to identify the individual whom allegedly assaulted him").

Accordingly, Plaintiff has **30 days** to submit additional identifying information for Defendant Sarah P. The Monroe County Attorney's Office is directed to respond **within 30 days** of Plaintiff's submission indicating whether the additional information provided allows for identification of this defendant.

SO ORDERED.



ELIZABETH A. WOLFORD
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: September 19, 2023
Rochester, New York